

SHER TREMONTE LLP

February 6, 2023

VIA ECF

Hon. Taryn A. Merkl
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

**Re: *Cuomo v. Office of the New York State Attorney General,*
Case No. 22-mc-03044;
Cuomo v. The New York State Assembly Judiciary Committee,
Case No. 22-mc-03027**

Dear Judge Merkl:

On behalf of our client Governor Cuomo¹ and in advance of tomorrow's argument, we write to inform the Court of a recent development in the Article 78 proceeding between Governor Cuomo and the New York State Attorney General (the "AG") concerning Governor Cuomo's entitlement to a State-funded defense of the Trooper 1 Action under Public Officers Law § 17. *See In The Matter of the Application of Governor Andrew M. Cuomo vs. Letitia James*, Index No. 156771/2022 (Sup. Ct. N.Y. Cnty.).

On January 27, 2023, Justice Hagler orally granted Governor Cuomo's Petition and directed the AG to provide Governor Cuomo with a State-funded defense in the Trooper 1 Action. A copy of the court's written order is attached as Exhibit A. NYSCEF 102 (Decision and Order on Motion). Attached to that order is a February 1, 2023 letter from the AG certifying Governor Cuomo for private counsel in the Trooper 1 Action.

The fact that Governor Cuomo is entitled to a publicly funded defense in the Trooper 1 Action is highly relevant to the AG's and the AJC's arguments in these miscellaneous proceedings. It is beyond dispute that the most efficient and least burdensome use of public funds would be for the AG and AJC to disclose their investigative materials pursuant to the Governor Cuomo's Rule 45 subpoenas, rather than require Governor Cuomo to further expend public resources to re-create the investigation into the allegations in Trooper 1's Amended Complaint.

Respectfully submitted,

/s/ Theresa Trzaskoma

Theresa Trzaskoma

Attachment

¹ All terms defined previously in Governor Cuomo's opening memorandum of law (ECF No. 2) are used consistently herein.